

IN THE SUPREME COURT OF THE UNITED STATES

TOM FIELDS,
Appellant

vs.

No. 82-1386
Term: 1982-83

SUMMIT ENGINEERING,
Appellee.

On Appeal From
The Supreme Court of the State of Montana

APPELLEE'S MOTION TO DISMISS APPEAL

COUNSEL OF RECORD:

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BRYAN and ATKINS
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(406) 586-8565
Attorney for Appellee

Thomas M. Fields
2954 Melrose
Leisure Village
Helena, MT 59601
(pro se) for Appellant

COMES NOW, Appellee Summit Engineering and moves that the Appeal filed by Tom Field in this matter before this Court, be dismissed on the grounds that this matter does not come within the appellant jurisdiction of the Supreme Court of the United States. The matter that appellant seeks to raise on Appeal in this Court does not fall within any of the enumerated classes of Appeal in Article III of Constitution of the United States. The matter does not involve a case or controversy within the judicial power of the federal courts nor is the state directly involved in the matter being appealed.

Appellant seeks to have the Supreme Court exercise supervisory control over the Montana Supreme Court. The United States Supreme Court has been held and no supervisory authority over states Courts as set forth in Hoag v. New Jersey, 356 US 464, 2 L Ed 2d 913, 78 S. Ct. 829.

Since Appellant has not brought his Appeal within the jurisdictional powers of the United States Supreme Court, Appellee moves that this Appeal be dismissed.

RESPECTFULLY submitted, this .21st.....
day of March....., 1983.

BRYAN and ATKINS
P. O. Box 1371
Bozeman, MT 59715
(406) 586-8565

Mark A. Bryan

MARK A. BRYAN

CERTIFICATE OF SERVICE BY MAIL

I, hereby certify that I served the within instrument upon the appellant in the within entitled action on the .21st. day of March., 1983, by mailing a copy thereof, postage prepaid, to the appellant, Thomas Fields, at his address: to-wit: 2954 Melrose, Leisure Village, Helena, Montana 59601.

Mark A. Bryan

MARK A. BRYAN